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FM AMEMBASSY SARAJEVO
TO RUEHC/SECSTATE WASHDC PRIORITY 0253
INFO RUEHTC/AMEMBASSY THE HAGUE 0179

UNCLAS SARAJEVO 000641

SENSITIVE
SIPDIS

EUR/SCE (FOOKS, MCGUIRE), L/LEI (GUTHERIE), THE HAGUE
(MANNING)

E.O. 12958: N/A
TAGS: [CJAN](#) [PREL](#) [BK](#)
SUBJECT: BOSNIA - SACIRBEY TO TESTIFY BEFORE ICTY VIA
VIDEO-LINK

REF: A) SECSTATE 50256 B) DOS/DOJ/EMBASSY SARAJEVO
EMAILS

1. (SBU) Per reftels, on May 18 we conveyed to the Ministry of Foreign Affairs the urgent need for the Bosnian government to clarify its position regarding Muhamed Sacirbey's travel to The Hague to testify before the International Tribunal for the former Yugoslavia (ICTY). We made clear that we needed an answer to our demarche by May 22. The MFA responded by requesting a courtesy translation of the dip note regarding Sacirbey. We subsequently informed our MFA contacts that we could not honor this request since it was not in line with past practices and that translating the dip note was a task we expected the Ministry to carry out without our assistance.

2. (SBU) In view of our looming deadline, on May 20 we contacted Gordana Zivkovic, the chief advisor to Council of Ministers (CoM) Chairman and Prime Minister Nikola Spiric, to underscore the importance of the Sacirbey case, the need for the CoM to clarify its position, and for the Bosnian government to relay its position to us by the May 22 deadline. We urged Zivkovic to have Spiric place the Sacirbey matter on the CoM's May 21 agenda. We also spoke to Dag Dugurumdzic, an advisor in the MFA's International Legal and Consular Affairs Division, relaying our concerns about the possible impact the Sacirbey case may have on future extradition requests from Bosnia and the need for a swift response to our demarche. As a result of our intervention, the CoM on May 21 instructed the State Ministry of Justice to draft a response to our dip note by the May 22 deadline. On May 22, we received a dip note from the MFA noting that, in light of the risks associated with Sacirbey's travel to The Hague for testimony, the Bosnian government supports having Sacirbey testify via video-link. A translation of the dip note that was forwarded via email to the Department on May 22 follows.

3. (SBU) BEGIN TEXT:

The Ministry of Foreign Affairs of Bosnia and Herzegovina presents its compliments to the United States Embassy to Bosnia and Herzegovina, and in response to the Embassy's note no: 09-0074 dated May 18, 2009 has the honor to inform you of the following:

Having in mind the underlying risk in case bail conditions are changed and the possibility that Mr. Muhamed Sacirbey will avoid the extradition proceedings to Bosnia and Herzegovina, and the readiness to satisfy the International Criminal Tribunal for the former Yugoslavia's request to have the said individual testify as a witness before this Court, the Ministry of Justice of Bosnia and Herzegovina wishes to have Mr. Sacirbey testify via a video-conference.

The Ministry of Foreign Affairs of Bosnia and Herzegovina

avails itself of this opportunity to renew to the United States Embassy to Bosnia and Herzegovina the assurances of its highest consideration.

END TEXT
ENGLISH